

APPEAL NO. 031704  
FILED AUGUST 1, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 9, 2003. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on \_\_\_\_\_, and that the claimant did not have disability as a result of the claimed injury.

The claimant appealed, contending that the hearing officer "misstates the circumstances that led to the injury" and that the hearing officer improperly evaluated the case. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant was a five-year employee of the employer as a "lab assistant." The claimant alleges a right carpal tunnel syndrome injury with a date of injury of \_\_\_\_\_. The hearing officer, in her Statement of the Evidence, discusses at some length the claimant's efforts to remove four stripped screws from a flow meter. The claimant, in his appeal, objects to the hearing officer's discussion of that one event and asserts that his injury was caused by "three separate activities while working for the employer." One was the removal of stripped screws, a second was "the striking of the palm of his hand against a wrench to loosen a stuck valve," and the third was "extensive typing." We are somewhat at a loss to determine if the claimant is alleging a series of specific events, one specific event, or a repetitive trauma occupational disease. See Sections 401.011(34) and (36). Although the claimant asserts that "[h]is testimony was clear and easily understandable," there was little or no evidence regarding the "extensive typing" and the testimony centered on loosening the screws with some reference to hitting the wrench. The medical reports, other than giving a diagnosis, give little insight on causation and one report suggests that pain in the claimant's hand may be "nerve irritation following combination of a blow [hitting the wrench] and nighttime sleeping postures."

In any event, the evidence was conflicting in regard to the disputed issues. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

In that we are affirming the hearing officer's decision that the claimant had not sustained a compensable injury, the claimant cannot by definition in Section 401.011(16) have disability.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FEDERAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PARKER W. RUSH  
1445 ROSS AVENUE, SUITE 4200  
DALLAS, TEXAS 75202-2812.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge